

In re Application of BLANDING et al.  
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### REMARKS

The Office action has been carefully considered. The Office action rejected claims 50-98 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,418,554 B1 to Delo et al. ("Delo") which incorporates by reference U.S. Patent No. 6,389,589 B1 to Mishra et al. ("Mishra"). Applicants respectfully disagree.

By present amendment, claim 50 has been amended for clarification and not in view of the prior art. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is generally directed to deploying software implementations, such as various implementations of applications and other program components, when there is a potential or actual conflict among the software implementations that are specified (e.g., by administrators) to apply to a given user or machine. For example, network administrators may set policy objects to specify which implementations of programs and their respective components apply to each user and machine, so that when a user logs on or a machine connects to the network, the user and machine automatically have appropriate implementations of programs and/or software components deployed thereto. Because different administrators can separately set the policies, and

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users and machines may belong to multiple, different groups to which different policies apply, there may be a potential conflict among software implementations specified for deployment.

By way of example, a user may belong to a finance group and an accounting group; if one policy specifies that the finance group is to use a word processor version 1997 and another policy specifies that the accounting group is to use the word processor version 2004, both implementations may apply to that user. Rather than deploy both implementations to a given machine to which the user has logged on, the present invention provides precedence information to determine which of the two applications and their respective software components to install. This may be accomplished via defined precedence relationships between various group policies and/or implementations of the application, *e.g.*, precedence data can specify to install word processor version 1997 and not word processor version 2004 for a given finance group policy which, in turn, may be designated as a higher precedence than the accounting group policy which specifies the word processor version 2004.

Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

Turning to the claims, independent claim 50 recites in a network having software implementations deployed therein, a method for determining a set of software implementations to deploy to a client, comprising maintaining a plurality of group policies of which the client is a member, each policy specifying at least one of a plurality of software implementations to apply to the client, maintaining

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precedence information at a network location indicative of precedence relationships between software implementations, the precedence information designating a precedence relationship between each of the plurality of software implementations based on a group policy such that when the client belongs to at least two groups, the precedence information designates which of the at the least two groups has precedence, determining from the plurality of group policies at least one of the plurality of software implementations to apply to the client based on the precedence information, selecting a software implementation that is specified for deployment to the client as a selected software implementation, and determining from the precedence information whether the selected software implementation has precedence over at least one other software implementation that is also specified for deployment to the client, and if so, setting the selected software implementation for deployment and deselecting the at least one other software implementation.

The Office action rejected claim 50 as being anticipated by Delo along with Mishra being incorporated by reference. More specifically, the Office action contends that Delo teaches in a network having software implementations deployed therein, a method for determining a set of software implementations to deploy to a client, comprising maintaining a plurality of group policies of which the client is a member, each policy specifying at least one of a plurality of software implementations to apply to the client. FIG. 4, item 62 of Delo is referenced. Further, the Office action contends that Delo teaches maintaining precedence information at a network location indicative of precedence relationships between

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software implementations. Column 5, lines 55-65 of Delo is referenced. Still further, the Office action contends that Delo teaches determining from the plurality of group policies at least one of the plurality of software implementations to apply to the client. Column 5, lines 55-65 of Delo is again referenced. Still further yet, the Office action contends that Delo teaches selecting a software implementation that is specified for deployment to the client as a selected software implementation. Column 5, lines 55-65 of Delo is again referenced. Finally, the Office action contends that Delo teaches determining from the precedence information whether the selected software implementation has precedence over at least one other software implementation that is also specified for deployment to the client, and if so, setting the selected software implementation for deployment and deselecting the at least one other software implementation. Column 6, lines 50-55 of Delo is referenced which incorporates column 19, lines 1-5 of Mishra. Applicants respectfully disagree.

Delo is directed, generally, to a method and mechanism for automatically installing software implementations such as applications and COM classes as they are needed from an external source. More particularly, the cited and applied section of Delo upon which the Office action relies teaches a method and system that facilitates deploying software throughout a computer network in a flexible, scalable, extensible and efficient manner. See column 5, lines 47-52 of Delo. In Delo, an administrator may tailor policies 62 to containers 64 where the containers 64 represent sites, domains, or groups of computers arranged in a hierarchical manner. See column 5, lines 53-57 of Delo. With this container policy in place,

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programs that may be called for by file-type activation are chosen based upon the information in the container policy that corresponds to the particular machine requesting execution. In the event that more than one program may deal with a file-type, a preference is indicted by the policy and the preferred application is installed and used. See column 18, line 52 to column 19, line 5 of Mishra. In short, Delo and Mishra, together teach a policy for assuring that the proper components or features of an application are properly installed. That is, the hierarchy taught by Delo and Mishra determines locations that additional software may be located when additional software is needed because of a dependency upon a specific application needed. The hierarchy ranks the different group policies and determines locations of needed software based on the hierarchy.

Differently, claim 50 is directed toward determining which application to install at a client machine when a conflict between two different designated applications exists based upon precedence information about different applications. Accordingly, claim 50 recites a method that includes maintaining precedence information at a network location indicative of precedence relationships between software implementations and determining from the plurality of group policies at least one of the plurality of software implementations to apply to the client. Hierarchical relationships to determine that proper components of applications based on a group policy as taught by Delo is not the same as a maintaining precedence relationship between a plurality of applications based on a group policy as recited in claim 50. Applicants submit that claim 50 is allowable over the prior art of record for at least this reason.

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Applicants respectfully submit that dependent claims 51-65, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 50 and consequently includes the recitations of independent claim 50. As discussed above, Delo fails to disclose the recitations of claim 50 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 50 noted above, each of these dependent claims includes additional patentable elements.

For example, claim 56 recites the method of claim 50 further comprising uninstalling the at least one other software implementation. The Office action contends that Delo teaches this recitation at column 26, lines 35-37. Delo does not have a column 26. This recitation is above and beyond what is taught by Delo. Applicants submit that claim 56 is allowable for at least this additional reason.

As another example, claim 61 recites the method of claim 50 wherein the precedence information indicative of precedence relationships between software implementations includes a property value indicative of whether to replace or overlay another software implementation. As discussed above, Delo teaches a hierarchy between group policies directed toward assuring that proper components for needed applications may be located and installed. Differently, claim 61 recites that the precedence information indicative of precedence relationships between software implementations that includes a property value is indicative of whether to replace or overlay another software implementation. Applicants submit that claim 61 is allowable for at least this additional reason.

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Turning to the next independent claim, claim 66 recites a method for implementing a lifecycle for software implementations deployed in a network, comprising maintaining policy information for several groups of clients at a network location including software implementations to deploy to each group of clients, maintaining precedence relationships between the software implementations, receiving a request to deploy a plurality of software implementations to a client belonging to at least two groups, locating the policy information corresponding to the groups, and determining for at least one software implementation in the request to apply another software implementation to the client based on the precedence relationships.

The Office action rejected claim 66 as being anticipated by Delo along with Mishra being incorporated by reference. More specifically, the Office action contends that claim 66 is rejected for the same rationale as provided previously with respect to claim 50. Applicants respectfully disagree.

As discussed above, Delo is generally directed to a method and mechanism for automatically installing software implementations such as applications and COM classes as they are needed from an external source. More particularly, the cited and applied section of Delo upon which the Office action relies teaches a method and system that facilitates deploying software throughout a computer network in a flexible, scalable, extensible and efficient manner. See column 5, lines 47-52 of Delo. In Delo, an administrator may tailor policies 62 to containers 64 where the containers 64 represent sites, domains, or groups of computers arranged in a hierarchical manner. See column 5, lines 53-57 of Delo. With this

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container policy in place, programs that may be called for by file-type activation are chosen based upon the information in the container policy that corresponds to the particular machine requesting execution. In the event that more than one program may deal with a file-type, a preference is indicated by the policy and the preferred application is installed and used. See column 18, line 52 to column 19, line 5 of Mishra. In short, Delo and Mishra, together teach a policy for assuring that the proper components or features of an application are properly installed. That is, the hierarchy taught by Delo and Mishra determines locations that additional software may be located when additional software is needed because of a dependency upon a specific application needed. The hierarchy ranks the different group policies and determines locations of needed software based on the hierarchy.

Again differently, the present invention is directed toward is directed toward determining which application to install at a client machine when a conflict between two different designated applications exists based upon precedence information about different applications. That is, claim 66 recites a method that includes maintaining precedence relationships between the software implementations. Hierarchical relationships to determine that proper components of applications based on a group policy as taught by Delo is not the same as a maintaining precedence relationship between a plurality of applications based on a group policy as recited in claim 66. Applicants submit that claim 66 is allowable over the prior art of record for at least this reason.

Applicants respectfully submit that dependent claims 67-78, by similar analysis, are allowable. Each of these claims depends either directly or indirectly



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from claim 66 and consequently includes the recitations of independent claim 66. As discussed above, Delo fails to disclose the recitations of claim 66 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 66 noted above, each of these dependent claims includes additional patentable elements.

Turning to the next independent claim, claim 79 recites a computer-implemented method, comprising maintaining first data specifying that a first software implementation is desired to be deployed to a client, maintaining second data specifying that a second software implementation is desired to be deployed to the client, maintaining precedence information specifying a precedence relationship between the first software implementation and the second software implementation, and accessing the first data, second data and precedence information to deploy the first software implementation to the client and not deploy the second software implementation to the client, based on the precedence information.

The Office action rejected claim 79 as being anticipated by Delo along with Mishra being incorporated by reference. More specifically, the Office action contends that claim 79 is rejected for the same rationale as provided previously with respect to claim 66 which was, in turn, the same rationale as provided previously with respect to claim 50. Applicants respectfully disagree.

As discussed above, Delo is generally directed to a method and mechanism for automatically installing software implementations such as applications and COM classes as they are needed from an external source. More particularly, the

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cited and applied section of Delo upon which the Office action relies teaches a method and system that facilitates deploying software throughout a computer network in a flexible, scalable, extensible and efficient manner. See column 5, lines 47-52 of Delo. In Delo, an administrator may tailor policies 62 to containers 64 where the containers 64 represent sites, domains, or groups of computers arranged in a hierarchical manner. See column 5, lines 53-57 of Delo. With this container policy in place, programs that may be called for by file-type activation are chosen based upon the information in the container policy that corresponds to the particular machine requesting execution. In the event that more than one program may deal with a file-type, a preference is indicated by the policy and the preferred application is installed and used. See column 18, line 52 to column 19, line 5 of Mishra. In short, Delo and Mishra, together teach a policy for assuring that the proper components or features of an application are properly installed. That is, the hierarchy taught by Delo and Mishra determines locations that additional software may be located when additional software is needed because of a dependency upon a specific application needed. The hierarchy ranks the different group policies and determines locations of needed software based on the hierarchy.

Again differently, the present invention is directed toward determining which application to install at a client machine when a conflict between two different designated applications exists based upon precedence information about different applications. That is, claim 79 recites a method that includes maintaining precedence relationships between the software implementations. Hierarchical relationships to determine that proper components of applications based on a

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group policy as taught by Delo is not the same as a maintaining precedence relationship between a plurality of applications based on a group policy as recited in claim 79. Applicants submit that claim 66 is allowable over the prior art of record for at least this reason.

Applicants respectfully submit that dependent claims 80-92, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 79 and consequently includes the recitations of independent claim 79. As discussed above, Delo fails to disclose the recitations of claim 79 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 79 noted above, each of these dependent claims includes additional patentable elements.

Turning to the last independent claim, claim 93 recites a computer-implemented method for determining a set of software implementations to deploy to a client, comprising maintaining policy information specifying at least one software implementation for deployment to a first group of clients, maintaining policy information specifying at least one software implementation for deployment to a second group of clients, maintaining precedence information specifying a precedence relationship between software implementations available for deployment to clients, accessing the precedence information to determine which software implementation to select for deployment to a client belonging to both the first group of clients and the second group of clients, determining from the specified precedence relationship that one software implementation has precedence over at least one other software implementation that is also designated for deployment to

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the client, and selecting the software implementation that has precedence over the other software implementation that is also designated for deployment to the client.

Once again, the Office action rejected claim 93 as being anticipated by Delo along with Mishra being incorporated by reference. More specifically, the Office action contends that claim 93 is rejected for the same rationale as provided previously with respect to claim 79 which was, in turn, the same rationale as provided previously with respect to claim 66 which was, also in turn, the same rationale as provided previously with respect to claim 50. Applicants respectfully disagree.

As discussed above, Delo is generally directed to a method and mechanism for automatically installing software implementations such as applications and COM classes as they are needed from an external source. More particularly, the cited and applied section of Delo upon which the Office action relies teaches a method and system that facilitates deploying software throughout a computer network in a flexible, scalable, extensible and efficient manner. See column 5, lines 47-52 of Delo. In Delo, an administrator may tailor policies 62 to containers 64 where the containers 64 represent sites, domains, or groups of computers arranged in a hierarchical manner. See column 5, lines 53-57 of Delo. With this container policy in place, programs that may be called for by file-type activation are chosen based upon the information in the container policy that corresponds to the particular machine requesting execution. In the event that more than one program may deal with a file-type, a preference is indicted by the policy and the preferred application is installed and used. See column 18, line 52 to column 19, line 5 of

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Mishra. In short, Delo and Mishra, together teach a policy for assuring that the proper components or features of an application are properly installed. That is, the hierarchy taught by Delo and Mishra determines locations that additional software may be located when additional software is needed because of a dependency upon a specific application needed. The hierarchy ranks the different group policies and determines locations of needed software based on the hierarchy.

Again quite differently, the present invention is directed toward determining which application to install at a client machine when a conflict between two different designated applications exists based upon precedence information about different applications. Claim 93 recites a method that includes maintaining precedence relationships between the software implementations. Hierarchical relationships to determine that proper components of applications based on a group policy as taught by Delo is not the same as a maintaining precedence relationship between a plurality of applications based on a group policy as recited in claim 93. Applicants submit that claim 93 is allowable over the prior art of record for at least this reason.

Applicants respectfully submit that dependent claims 94-98, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 93 and consequently includes the recitations of independent claim 93. As discussed above, Delo fails to disclose the recitations of claim 93 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 93 noted above, each of these dependent claims includes additional patentable elements.

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For at least these additional reasons, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and early allowance of this application is earnestly solicited.

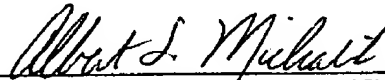
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### CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 50-98 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this Response, along with transmittal, petition for extension of time and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: February 22, 2005

  
Albert S. Michalik

1650 Fourth Amendment